

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Case No. 99-CR-90048-2
HON. GEORGE CARAM STEEH

DITWAN MARIE MORGAN,

Defendant.

_____ /

ORDER DENYING DEFENDANT'S MOTION FOR
HEARING FOR EXPUNGEMENT (# 61) WITHOUT PREJUDICE

Defendant Ditwan Morgan moves to expunge her June 20, 2000 plea-based conviction to one count of unlawful use of a communication facility in violation of 21 U.S.C. § 843(b). Oral argument would not significantly aid the decisional process. Pursuant to E.D. Mich. Local R. 7.1(e)(2), it is ORDERED that the motion be resolved without oral argument.

The Sixth Circuit has recognized that federal courts enjoy inherent power to expunge criminal records in an appropriate case. United States v. Doe, 556 F.2d 391, 393 (6th Cir. 1977). "[R]ecords of valid arrests, indictments or convictions ordinarily may not be expunged." United States v. Lucido, No. 92-80152, 2009 WL 728526, *2 (E.D. Mich. March 19, 2009) (quoting United States v. Flagg, 178 F.Supp.2d 903, 905 (S.D. Ohio 2001)). Indeed, expungement is only warranted under extraordinary circumstances. Geary v. United States, 901 F.2d 679, 680 (8th Cir. 1990). Being prevented from obtaining

comparable employment following a valid federal conviction does not constitute extraordinary circumstances, standing alone. See United States v. Robinson, No. 94-1945, 1996 WL 107129 (6th Cir. March 8, 1996) (weighing the government's strong interest to maintain extensive records against the harm to the individual resulting from these records).

In her motion, Morgan requests a hearing, but does not articulate the circumstances under which she is seeking an expungement. Morgan is not precluded from renewing her motion, but she must assert facts which rise to the level of extraordinary circumstances in order to provide a basis under the law for granting an expungement. Accordingly, Defendant Morgan's motion for a hearing to seek an expungement of her conviction is hereby DENIED without prejudice.

SO ORDERED.

Dated: October 28, 2009

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on
October 28, 2009, by electronic and/or ordinary mail.

s/Josephine Chaffee
Deputy Clerk